

ABSTRAK

PERBUATAN MELAWAN HUKUM TERHADAP PENGUASAAN TANAH SITAAN (Studi Kasus Nomor 182/Pdt.G/2022/PN.Tjk)

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Sengketa tanah kerap terjadi di Indonesia, sering melibatkan tindakan sita oleh pengadilan untuk mengamankan objek sengketa hingga ada putusan yang berkekuatan hukum tetap. Namun tindakan sita ini kadang justru menimbulkan sengketa baru khususnya yang berkaitan dengan perbuatan melawan hukum seperti yang tercermin dalam putusan Nomor 182/Pdt.G/2022/PN.Tjk. Penelitian ini membahas tentang bagaimana kesesuaian Putusan Nomor 182/Pdt.G/2022/PN.Tjk dengan ketentuan Pasal 1365 mengenai Perbuatan Melawan Hukum dan bagaimanakah akibat hukum putusan Nomor 182/Pdt.G/2022/PN.Tjk terhadap para pihak

Jenis penelitian ini adalah penelitian hukum normatif dengan pendekatan masalah yaitu pendekatan kasus (*legal case study*). Metode pengumpulan data melalui studi pustaka dan studi dokumen. Pengolahan data dilakukan dengan cara pemeriksaan data, rekonstruksi data, sistematisasi data, serta dianalisis secara kualitatif.

Berdasarkan hasil penelitian menunjukkan bahwa Putusan 182/Pdt.G/2022/PN.Tjk sesuai Pasal 1365 KUH Perdata, dimana Tergugat I yang menjualbelikan tanah yang diatasnya melekat sita eksekusi telah memenuhi unsur-unsur perbuatan melawan hukum, namun Tergugat II-VIII tidak dapat dianggap melawan hukum karena mereka membeli dengan itikad baik, putusan tersebut hanya Sebagian memenuhi unsur-unsur Pasal 1365 karena belum sepenuhnya mempertimbangkan keterlibatan seluruh pihak Tergugat sesuai dengan unsur perbuatan melawan hukum. akibat hukum dari Putusan 182/Pdt.G/2022/PN.Tjk yaitu memberikan hak ganti rugi kepada Penggugat dan menolak permohonan kepemilikan tanah oleh Pengugat. Tergugat I wajib membayar ganti rugi sementara Tergugat II-VIII harus menerima pembatalan transaksi tanah serta BPN harus menghidupkan kembali SHGB No. 1192/Prm dan membatalkan sertifikat atas nama Tergugat II-VIII. Langkah selanjutnya yang dapat dilakukan yaitu blokir tanah, pembatalan sertifikat, sita ulang, dan pelelangan.

Kata Kunci: Perbuatan Melawan Hukum, Tanah, Penguasaan Tanah.

ABSTRACT

UNLAWFUL ACTS AGAINST LAND CONTROL CONFIDENTIALITY (Case Study Number 182/Pdt.G/2022/PN.Tjk)

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Land disputes often occur in many places throughout Indonesia, both in rural and urban areas, in the process of resolving land disputes often involve confiscation by the Court as an effort to secure the object of the dispute until a legally binding decision is made. However, in some cases, actions against land that has been confiscated actually lead to new disputes, especially those related to illegal acts. One of the cases regarding unlawful acts against land is Court Case Number 182/Pdt.G/2022/PN.Tjk. This research discusses how the suitability of Court Decision Number 182/Pdt.G/2022/PN.Tjk with the provisions of Article 1365 regarding Unlawful Acts and what are the legal consequences for the parties to unlawful acts against confiscated land based on Court Decision Number 182/Pdt.G/2022/PN. Tjk.

This type of research is normative legal research with a problem approach, namely a case approach (legal case study). Data collection is done by literature study and document study. Data processing is carried out by examining data, reconstructing data, systematizing data, and analyzing qualitatively.

Based on the results of the research, it shows that Decision 182/Pdt.G/2022/PN.Tjk is in accordance with Article 1365 of the Civil Code, where Defendant I who sold the land on which the execution seizure was attached has fulfilled the elements of unlawful acts, but Defendants II-VIII cannot be considered unlawful because they bought in good faith, the decision only partially fulfills the elements of Article 1365 because it has not fully considered the involvement of all defendants in accordance with the elements of unlawful acts. The legal consequences of Decision 182/Pdt.G/2022/PN.Tjk are to award compensation to the Plaintiff and reject the Plaintiff's application for land ownership. Defendant I must pay compensation while Defendants II-VIII must accept the cancellation of the land transaction and BPN must revive SHGB No. 1192/Prm and cancel the certificate on behalf of Defendants II-VIII. The next steps that can be taken are blocking the land, canceling the certificate, re-confiscation, and auction.

Keywords: Unlawful Acts, Land, Land Control.